

**Hearing Date: March 11, 2014**  
**Response Deadline: January 10, 2014**

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UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

	X	
	:	Chapter 11
In re	:	
	:	Case No. 10-14419 (SCC)
BOSTON GENERATING, LLC, <i>et al.</i> ,	:	
	:	(Jointly Administered)
	:	
Debtors.	:	
	X	

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MARK HOLLIDAY, the Liquidating Trustee of the  
BosGen Liquidating Trust,

*Plaintiff,*

vs.

K ROAD POWER MANAGEMENT, LLC, *et al.*

*Defendants.*

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Adversary Proceeding

No. 12-01879 (SCC)

### NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the accompanying memorandum of law, the Declaration of William H. Gussman, Jr. and the exhibits attached thereto, and all prior pleadings and proceedings herein, Defendants Anchorage Capital Master Offshore, Ltd., Satellite Asset Management, L.P., Stonehill Institutional Partners, L.P., Sandell Asset Management Corp., (collectively, the "Nominating Committee Members"), and their respective affiliates named in the Amended Complaint (such affiliates, the "Affiliated Transferee Defendants") will move for an order dismissing with prejudice Counts One through Six and Twelve through Fourteen of the Amended Complaint filed by Mark Holliday, as the Liquidating Trustee of the BosGen Liquidating Trust (the "Trustee"), in the above captioned action, pursuant to Federal Rules of Civil Procedure 9(b) and 12(b)(6) as incorporated in Federal Rules of Bankruptcy Procedure 7009 and 7012(b).

Please take further notice that a hearing will be held on the motion on March 11, 2014, at the United States Courthouse, One Bowling Green, New York, New York.

Please take further notice that pursuant to a Scheduling Order dated August 20, 2013, opposition papers, if any, to the motion shall be filed with the Bankruptcy Court and

served upon counsel for the Nominating Committee Members and the Affiliated Transferee Defendants by no later than January 10, 2014 and reply papers, if any, shall be filed with the Bankruptcy Court and served upon counsel for the Trustee by no later than February 28, 2014.

Dated: New York, New York  
November 1, 2013

SCHULTE ROTH & ZABEL LLP

By: /s/ David M. Hillman  
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L.P., Satellite Fund II, L.P., Ex Orbit Group, Ltd.,  
Satellite Overseas Fund, Ltd., The Apogee Fund,  
Ltd., Satellite Fund IV, L.P., Satellite Overseas  
Fund V, Ltd., Satellite Overseas Fund VI, Ltd.,  
Satellite Overseas Fund VII, Ltd., Satellite Overseas  
Fund VIII, Ltd., and Satellite Overseas Fund IX,  
Ltd. as to counts twelve, thirteen and fourteen*

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Ltd., Satellite Fund IV, L.P., Satellite Overseas  
Fund V, Ltd., Satellite Overseas Fund VI, Ltd.,  
Satellite Overseas Fund VII, Ltd., Satellite Overseas  
Fund VIII, Ltd., and Satellite Overseas Fund IX,  
Ltd. as to counts one through six*

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**CERTIFICATE OF SERVICE**

I, David M. Hillman, hereby certify that on this 1st day of November 2013, a copy of the foregoing Notice of Motion was filed electronically with the Clerk of Court through the Court's CM/ECF system, thus serving all registered parties.

/s/ David M. Hillman  
David M. Hillman